

February 8, 1973

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: Pasquale Franchi, General Partner of  
Commonwealth Babcock Associates

RE: Change in Development Plan for Planned Development  
Area at 195 Gardner Street, Boston, Ward 21.

On December 2, 1970, the Boston Redevelopment Authority voted to designate the subject property as a Planned Development Area in accordance with a Development Plan dated December 2, 1970, and a set of seven preliminary drawings for the property. The Boston Zoning Commission then voted to amend the Zoning Map of the City of Boston to designate the area as a B-2-D Zoning District. As contemplated by the Development Plan, the Board of Appeals granted exceptions to the Boston Zoning Code to permit construction in accordance with the Plan.

The original Plan adopted by the BRA permitted a 207 unit apartment building, with 84 studio apartments and 123 one bedroom apartments, parking garage and a swimming pool and other amenities on the Gardner Street portion of the site. The Commonwealth Avenue portion of the site, upon which is a one story retail building, was to remain intact.

The developer now proposed to amend the development plan only as to the Gardner Street portion of the site by increasing the number of dwelling units to a maximum of 210, changing the bedroom mix to 21 studio apartments, 105 one bedroom units, and 84 two bedroom units, and erecting 8,000 square feet of additional commercial space, all as per plans submitted to the BRA entitled "Babcock Towers" prepared by Stahl Associates, and dated June 12, 1972.

The project is now being financed by the Massachusetts Housing Finance Agency (MHFA) and as such 25% of the units will be rented to persons of low income, 25% to persons of moderate income, and 50% to persons able to afford market rate rents.

The changes requested relate to matters which contribute to a more harmonious development of this type. The change in the bedroom mix is designed to serve a wider range of low income persons. The additional commercial space is designed to provide for tenant needs on site and also to add to the financial stability of the project.

Unlike almost every other MHFA financed project, this development will not require any federal or other public subsidies. In lieu of public subsidies, however, it is necessary to derive sufficient



income from the market rate tenants and the commercial space so that the rents for low income tenants will remain at realistic levels.

On the basis of the foregoing, it is submitted that the proposed changes are completely harmonious with the original plan, meet all the requirements for a Planned Development Area and, in fact, will enhance the entire area.

It is, therefore, respectfully requested that the Development Plan be amended as to the Gardner Street portion as herein set forth and more particularly to permit 210 dwelling units, 8,000 square feet of commercial space resulting in a Floor Area Ratio of 4.06, Gross Floor Area of 193,019 square feet, and 130 square feet of usable open space per dwelling unit and 237.93 square feet of lot area per additional dwelling unit.

For informational purposes and for a further description of the manner in which the proposed changes will affect the technical information in the original Development Plan, a copy of the appeal filed with the Board of Appeal for the exceptions necessary to implement the amendment are attached hereto and incorporated herein.

PREMISES:

195 Gardner Street  
Boston, Massachusetts  
(B-2-D Zoning District)

OWNER:

Pasquale Franchi, General Partner  
Commonwealth-Babcock Associates,  
a Limited Partnership  
425 Watertown Street  
Newton, Massachusetts

ARCHITECT:

Stahl/Bennett Inc.  
191 Pearl Street  
Boston, Massachusetts

ATTORNEYS:

John K. Dineen, Esquire  
Jordan P. Krasnow, Esquire  
Ely, Bartlett, Brown & Proctor  
225 Franklin Street  
Boston, Massachusetts 02110

AREA OF LOT:

49,940 square feet

USE OF PREMISES:

210 Unit Apartment Building  
and Commercial Facilities



## I. General

The property in question is located on the corner of Gardner and Babcock Streets, Boston, in a B-2-D zoning district. Appellant has commenced site work for the construction of an apartment building with related recreational facilities pursuant to a building permit issued by the Building Department of the City of Boston. The permit was issued in accordance with a decision of the Board of Appeals dated July 27, 1971 (BZC-2168), which granted exceptions to the Boston Zoning Code to permit the construction of a 207 unit apartment building.

The Appellant now seeks further exceptions to the Boston Zoning Code to allow three additional dwelling units and 8,000 square feet of commercial space. These changes are necessitated by requirements of the Massachusetts Housing Finance Agency (MHFA), which is financing the project in order to make units available to persons of low and moderate income.

## II. Violations

### A. Minimum Lot Area per Additional Dwelling Unit.

Article 14, Section 14-2 of the Boston Zoning Code requires 1,500 square feet of lot area for each additional dwelling unit. The additional three units will reduce the actual square feet of lot area to 237.93 per additional dwelling unit.

As noted above, the additional three units are required by MHFA to make the project economically feasible.

As described in the original appeal filed with respect to this property, the area in which the building will be situated is an



extremely "run down" business area containing automobile agencies, retail stores and parking lots. City Planning authorities all agree that this project would be a major first step to renovate the neighborhood. Clearly, the site is appropriate for apartment use, and the additional three units will not affect the neighborhood, or create any nuisance or hazards.

B. Floor Area Ratio.

Article 15, Section 15-1 of the Zoning Code prescribed a maximum floor area ratio of .8 feet. The building, with the additional three units and commercial space, will increase the gross floor area of the building from 192,023.90 square feet to 203,780 square feet. As a result, the floor area ratio will be 4.06 feet rather than the 3.842 feet permitted by the prior Board decision. The discussion set forth in Section IIA above is relevant to this issue and is incorporated herein by reference. In addition, the Appellant submits that the 8,000 square feet of commercial space would enhance the project and provide essential retail services to residents of the apartment building. This feature would complement the project and provide a well integrated neighborhood for the residents.

C. Usable Open Space.

Article 17, Section 17-1 of the Zoning Code requires 800 square feet of usable open space per dwelling unit. The earlier decision of this Board allowed 176.837 square feet of usable open space per dwelling unit. The addition of the three units and the commercial space would reduce that number to approximately 130 square feet. It is submitted that this number is adequate in view of the fact that portions of the property not considered open space will be devoted to general tenant use. The building will contain community



rooms, laundry rooms, athletic areas and commercial space which will provide the residents with additional space. The foregoing discussion of the economic requirements of the project and of the positive effect of this project on the surrounding neighborhood are incorporated herein by reference. These facts clearly satisfy the legal requirements for granting a special exception.

D. Front Yard.

Article 18, Section 18-1 of the Boston Zoning Code imposes a foot front yard requirement. The prior decision of the Board granted an exception to permit a front yard of 6 feet on Gardner Street and 8 feet on Babcock Street. At the six foot line along Gardner Street the wall of the garage structure rises from a zero elevation above grade to fourteen feet above grade. The increase is the result of the changes in the grade of Gardner Street. As a result the Appellant finds it necessary to place the air intake valves, as shown on the plans submitted with the application for permit, within the six foot front yard. Appellant submits that this limited intrusion into the front yard will not impair the architectural integrity of the project, adversely affect the neighborhood, or create any nuisance or hazard.

E. Rear Yard.

Article 20, Section 20-1 requires a 40 foot rear yard. The Appellant proposes to locate a portion of the additional commercial space in the rear yard to the rear lot line. In addition, air intake valves, as shown on the plan, will be necessary in the required rear yard. Appellant submits that the locating of the commercial space in the rear yard is the most logical and appropriate choice in view of the total development of the project. The rear yard abuts an alley which is used primarily by trucks delivering goods to commercial



establishments on the opposite side of the alley. The commercial space will provide a visual barrier to this rear alley and therefore enhance the aesthetics of the project. Furthermore, because the rear yard abuts a private alley, neighborhood lots would not be adversely affected by the location of the commercial facilities.

F. Parking.

Article 23, Section 23-1 of the Zoning Code requires .9 parking spaces per dwelling unit for this project. The Board, in its prior decision, increased the requirement to one parking space per dwelling unit. The Appellant is fully prepared to provide the necessary 210 parking spaces. The addition of the 8,000 square feet of commercial space imposes a further requirement of sixteen parking spaces. If the .9 spaces per dwelling unit were adhered to, the 210 spaces would be more than adequate to meet the parking requirement of the Code.

Appellant submits that the additional parking spaces are not necessary since the vast majority of the commercial customers will be residents of the project and the immediate neighborhood. Furthermore it is obvious that the parking garage will not be full at all times. This facility will certainly have the capacity to handle the limited number of commercial customers driving to the site. In view of these facts, Appellant submits that an exception from this requirement is appropriate and will not adversely affect the neighborhood or create any nuisance or hazard.

III. Conclusion

For all of the foregoing reasons, Appellant submits that all of the legal criteria for the issuance of a conditional use permit have

been met, and therefore requests the Board to grant exceptions to the provisions of Article 14, Section 14-2; Article 15, Section 15-1; Article 17, Section 17-1; Article 18, Section 18-1; Article 20, Section 20-1; and Article 23, Section 23-4, in the manner set forth above.



